

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KARL J. DAVIS,

Petitioner,

v.

JOHN GAY, et al.,

Respondents.

Case No. C08-5333RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Petitioner's Motion for a Certificate of Appealability [Dkt. #30] and Motion for Appointment of Counsel [Dkt. #32]. Having considered the entirety of the records and file herein, the Court finds and rules as follows:


For the reasons set forth in the Report and Recommendation [Dkt. #25] the Court declines to issue a certificate of appealability because the petitioner has failed to make "a substantial showing of the denial of a constitutional right." 28 U.S.C. §2253(c)(2). The Motion for a Certificate of Appealability [Dkt. #30] is **DENIED**.

Petitioner's Motion for Appointment of Counsel [Dkt. #32] is also **DENIED**.

IT IS SO ORDERED.

1 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party
2 appearing pro se.

3 Dated this 12th day of January, 2009.

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5 RONALD B. LEIGHTON
6 UNITED STATES DISTRICT JUDGE
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